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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GERRY WILLIAMS,

Plaintiff,

v.

LIEUTENANT ROSS, et al.,

Defendants.

Case No. C 04-2409 SI

**STIPULATION AND
[PROPOSED] ORDER RE-
OPENING FACT DISCOVERY
FOR THE SOLE PURPOSE OF
ALLOWING THE DEPOSITION
OF WITNESS LAMBERT
CHAMBERS**

Judge: The Honorable Susan Illston

Plaintiff Williams and Defendants Tuntakit and Roach, by and through their respective counsel, stipulate under Civil Local Rule 7-12 to the following request that the Court re-open fact discovery until March 24, 2009 for the sole purpose of permitting the defense (or plaintiff)

1 to depose witness Lambert Chambers, who is currently incarcerated at Salinas Valley State
2 Prison (SVSP). In support, the parties state the following:

3 1. Fact discovery closed on September 29, 2006. (Pretrial Preparation Order 1:11,
4 Jul. 19, 2006.)

5 2. In February 2009, Plaintiff learned about a new inmate witness named Lambert
6 Chambers, who “may have witnessed the events giving rise to this action, and therefore may
7 have relevant, material testimony and evidence to provide.” (Pl.’s Ex Parte Appl., Docket 146,
8 at 2:5-6, Feb. 24, 2009.)

9 3. On February 26, 2009, the Court granted Plaintiff’s request to direct SVSP to
10 arrange for a telephone conference between Plaintiff’s counsel and Mr. Chambers before March
11 6, 2009. (Order, Docket 151, Feb. 26, 2009.) The prison complied with this request.

12 4. On March 6, 2009, Defendants asked Plaintiff whether he intend to call Mr.
13 Chambers as a trial witness. In response, Plaintiff reserved the right to call him. The parties
14 thereafter reached an agreement to allow the defense to depose Mr. Chambers on March 24,
15 2009, the same day when the parties are scheduled for an afternoon settlement conference before
16 Magistrate Judge Vadas at SVSP. The deposition will take place in the morning and be
17 completed before the settlement conference.

18 5. Trial is scheduled to commence on May 11, 2009.

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1 For the foregoing reasons, the parties respectfully request that the Court extend the fact-
2 discovery deadline until March 24, 2009 for the sole purpose of permitting the defense (or
3 plaintiff) to depose Mr. Chambers at SVSP.

4 Dated: March 9, 2009

Respectfully submitted,

5 EDMUND G. BROWN JR.
6 Attorney General of the State of California

7 /s/ Neah Huynh

8 _____
9 NEAH HUYNH
10 TIM MCDONOUGH
11 Deputy Attorneys General
12 Attorneys for Defendants Tuntakit and Roach

11 QUINN EMANUEL URQUHART OLIVER
12 & HEDGES, LLP

13 /s/ Jason Toji Calabro

14 _____
15 Jason Toji Calabro
16 Attorneys for Plaintiff Gerry Williams

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED that fact discovery is extended
19 until March 24, 2009 for the sole purpose of allowing the defense (or plaintiff) the opportunity to
20 depose Mr. Lambert Chambers at Salinas Valley State Prison.

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22 _____
23 Date

24 _____
25 The Honorable Susan Illston
26 United States District Judge

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